

**UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN**

In re: HELENA BELL-GRIFFEN

Case No. 21-20595-DOB  
Chapter 13  
Honorable: Daniel S. Opperman

Debtor(s)

THOMAS W. MCDONALD, JR.  
Standing Chapter 13 Trustee,  
Plaintiff

vs.

Adversary Proceeding: 21-02025  
Honorable: Daniel S. Opperman

TIMOTHY M. NOVAK  
Saginaw County Treasurer  
Defendant

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**NOTICE OF MOTION**

The Chapter 13 Trustee has filed papers with the court for Approval of a Settlement Agreement of the Trustee's Adversary Proceeding against the Saginaw County Treasurer 21-02025.

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)**

If you do not want the court to grant the relief sought in the Trustee's motion, or if you want the court to consider your views on the motion, within 14 days, you or your attorney must:

1. File with the court a written response or an answer, explaining your position at:<sup>1</sup>

**U.S. Bankruptcy Court  
111 First Street  
P.O. Box 911  
Bay City, Michigan 48707)**

If you mail your response to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above. All attorneys are required to file pleadings electronically.

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<sup>1</sup> Response or answer must comply with F. R. Civ. P. 8(b), (c) and (e)

You must also send a copy to:

Thomas W. McDonald, Jr.  
Chapter 13 Trustee  
P.O. Box 6310  
Saginaw, Michigan 48608  
Telephone:(989) 792-67662.

If a response or answer is timely filed and served, the clerk will schedule a hearing on the motion and you will be served with a notice of the date, time and location of the hearing.

**If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.**

Date: September 29, 2021

/s/Thomas W. McDonald, Jr.  
Thomas W McDonald, Jr. (P32464)  
Chapter 13 Trustee  
3144 Davenport Avenue  
Saginaw, Michigan 48602  
Telephone: (989) 792-6766  
ecf@mcdonald13.org

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**MOTION FOR COURT APPROVAL OF SETTLEMENT**

NOW COMES, the Chapter 13 Trustee, Thomas W. McDonald, Jr., and hereby moves this Court for an Order approving the Settlement between the Trustee and the Creditor, Saginaw County Treasurer filed with the Court on September 29, 2021 and in support states as follows:

1. The Trustee and the Defendant, Saginaw County Treasurer agreed on settlement of the Adversary Proceeding under the terms as recited in the Proposed Order attached to this Motion.
2. The settlement allows the Debtor to keep his residence and pay back taxes owed to the Defendant.
3. The Settlement will not impact the distribution to Class 9 Creditors.

WHEREFORE, the Chapter 13 Trustee requests that this Court approve the parties' settlement in the attached proposed Order.

Date: September 29, 2021

/s/Thomas W. McDonald, Jr.  
Thomas W McDonald, Jr. (P32464)  
Chapter 13 Trustee  
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**BRIEF IN SUPPORT OF MOTION FOR COURT APPROVAL OF SETTLEMENT**

NOW COMES, the Chapter 13 Trustee, Thomas W. McDonald, Jr., and in support of his Motion for Court Approval of Settlement hereby relies upon Bankruptcy Rule 7058, which incorporates FRCP 58 allowing this Court to approve settlement and enter Judgment accordingly.

Date: September 29, 2021

/s/Thomas W. McDonald, Jr.  
Thomas W McDonald, Jr. (P32464)  
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**ORDER SETTLING MATTER  
AND DISMISSING CASE WITH PREJUDICE**

THIS MATTER, having come before the Court on the Parties' Stipulation, and the Court being fully advised as to the premises herein:

IT IS HEREBY ORDERED:

- A. TRUSTEE, his agents, successors and assigns, shall forever release and discharge TREASURER, together with his administrators, agents, assigns, directors, employees, officers or successors in interest, of and from any and all claims, demands, damages, actions, causes of action of whatever kind and nature that TRUSTEE had, or may have in the future, whether known or unknown, or now have relating to the Bankruptcy Cases.
- B. TREASURER shall provide to the Debtors a Quit Claim Deed to the property at issue in the Plaintiff's Complaint which shall serve to void the Judgment of Foreclosure of

THE PROPERTY, or alternatively in the TREASURER'S discretion, replace the property on the tax rolls with the required certificate of error to be prepared and duly noted by TREASURER.

- C. The DEBTOR will pay all back taxes due to the TREASURER, as follows: Not more than 90 days from the date of this agreement, the Debtor shall make an initial payment of the oldest years' outstanding taxes for the property including interest, penalty, the cancellation fee and redemption fee charged to the TREASURER by the BS&A system, in an amount of not more than \$750.00. The remaining balance of the taxes due on the Property, including interest, penalty, the cancellation fee and redemption fee charged to the TREASURER by the BS&A system, shall then be paid by the Trustee through the Chapter 13 Plan in full.
- D. The DEBTOR will pay, in addition the costs incurred by the TREASURER during the eviction process, attorney fees in the amount of \$550.00 in their Chapter 13 Plan in full;
- E. Should the DEBTOR'S plan payments fall in arrears for 30 days or more, the TREASURER may submit to the Bankruptcy Court an affidavit attesting to the plan payment arrearage and if the DEBTOR should fail to cure the arrears within 30 days from that date, the TREASURER may commence foreclosure proceedings on the PROPERTY.
- F. This Adversary Proceeding shall be dismissed WITH PREJUDICE.

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**CERTIFICATE OF SERVICE**

I, the undersigned, do hereby certify that on September 29, 2021, I have electronically filed the foregoing papers with the Clerk of the Court using the ECF systems which will send notification of such filing to all registered ECF parties in this case, and I hereby certify that I have mailed by United States Postal Service the Papers to the following non-ECF per the attached mailing matrix printed from the Court on September 29, 2021.

/s/Marilyn Adamczyk

Marilyn Adamczyk, Staff Attorney  
Office of Thomas W. McDonald, Jr.  
Chapter 13 Trustee  
3144 Davenport Avenue  
Saginaw, Michigan 48602  
Telephone: (989) 792-6766  
ecf@mcdonald13.org